

VERSION 1 - 1 APRIL 2020

Working from home

AT WHAT POINT CAN WE/SHOULD WE WORK FROM HOME?

Absent an express term in your Award/Agreement or contract (and absent a government directive), it is at your employer's discretion whether they permit you to work from home. However, in the current climate, the IEU considers that working remotely, away from students should be available as widely as possible in order to minimise exposure to infection. Your employer should be proactively trying to find ways to accommodate you working remotely in appropriate duties.

If you are also able to provide suggestions about ways you could work remotely, you could be proactive and share this to assist your employer. If you work in a job that requires you to be at your usual workplace, your employer should agree to provide you with useful employment in other duties. We ask that you keep in mind that this is a massive shift in all workplaces, and to keep any requests you make reasonable and practical to ensure you can continue working in the circumstances.

CAN THE SCHOOL MAKE US WORK AT SCHOOL WHEN OTHERS HAVE BEEN ASKED TO WORK FROM HOME?

Yes, but they should be trying to avoid this. It is not a question of being 'fair' between different employees. Some employees are pregnant, some are more vulnerable or have vulnerable people at home, and some have different circumstances that make their claim to work from home more compelling. Some have jobs that more easily fit with working from home. It may not be possible to have everyone working from home, but the employer should accommodate this for as many employees as possible.

DOES THE SCHOOL NEED TO PROVIDE RESOURCES TO ENABLE WORKING FROM HOME?

Yes. It is the employer's responsibility to provide all the 'tools' you need to do your job, including anything necessary to make working from home safe. You may need to be patient, as a mass shift to working-from-home creates many complications for schools and you don't want to have so many demands that it makes working from home impractical. But yes: ultimately the employer needs to provide you with the resources you need to perform your role. Please note, that if your employer provides you with electronic devices for working from home, those devices remain the property of your employer and there will be some control on permitted personal use and your employer will be allowed to review your internet history, data usage and any documents or information you have stored on the device - as such, use the device as permitted by any policy and with the above in mind.

CHANGES TO HOURS OF WORK

While specific requirements vary depending on the Agreement or Award covering your work, schools must consult with employees in relation to any significant changes to their time fraction or hours of work. If you nominate the IEU as your representative, your employer must include us in this consultation.

As an employee, you also have a right to request changes to your hours – in many cases (for example if they relate to your caring obligations) employers are obliged not to unreasonably refuse such requests. Contact the IEU for advice around this.

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ARE YOU COVERED BY WORKERS' COMPENSATION WHILE WORKING AT HOME?

If you injure yourself while working from home, you may be entitled to compensation under the Victorian WorkCover scheme - the outcome of your claim will depend on whether it can be shown that your injury arose out of, or in the course of, or due to the nature of your employment.

IS YOUR EMPLOYER REQUIRED TO PROVIDE YOU WITH A SAFE WORKPLACE IF YOU'RE WORKING FROM HOME?

Yes, if you are working from home your employer is required to provide a safe working environment as far as is reasonably practicable. What is 'reasonably practicable' will turn on the particular circumstance. You should also be aware that employees also have a duty for the safety of their workplace. For more information on this issue and information on safety in the workplace during the COVID-19 pandemic, please visit this website: <https://www.worksafe.vic.gov.au/minimisingspread-coronavirus-covid-19-working-home>

WHAT EXPENSES IS YOUR EMPLOYER REQUIRED TO PAY IF YOU'RE WORKING FROM HOME? EG – INTERNET, ELECTRICITY

If your employer has a policy on reimbursement of expenses, or there is a term in your contract or industrial instrument (Award or Enterprise Agreement) then that will apply. Absent that, it is between the employees and employer to negotiate such an arrangement. Please note that you may be able to claim such expenses through your tax return: <https://www.ato.gov.au/uploadedFiles/Content/IND/Downloads/Workingfrom-home.pdf>

If your employer flags cuts to your hours or income, or threatens to stand you down without pay, contact the IEU immediately. [We have more advice about stand-downs here.](#)